

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2073.04
COMPLAINT INVESTIGATOR:	Jennifer Campbell
DATE OF COMPLAINT:	November 6, 2003
DATE OF REPORT:	December 5, 2003
REQUEST FOR RECONSIDERATION:	yes/revised January 12, 2004
DATE OF CLOSURE:	March 5, 2004

COMPLAINT ISSUES:

Whether the South Harrison Community Schools and the Harrison County Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, by failing to provide the required 60 minutes of speech therapy each week.

During the course of the investigation it was discovered that the School may have failed to provide progress reports.

FINDINGS OF FACT:

1. The Student is five years old and eligible for special education and related services as a student with autism spectrum disorder.
2. The Complainants have not agreed to the kindergarten placement and special education services proposed by the Student's case conference committee (CCC). Although a proposed IEP was developed on April 22, 2003, the parents did not consent to its implementation. An independent hearing officer ruled the proposed IEP was appropriate in a decision made on October 6, 2003. The student began receiving special education and related services for the 2003-2004 school year on September 17, 2003. The School implemented the services agreed to in the student's IEP dated April 22, 2003, until the hearing officer rendered a final decision. **
3. The hearing officer ordered the amount of speech therapy to be increased to ninety minutes per week, and allowed the Speech Therapist to determine how those minutes are allotted with regard to direct and indirect services and the input of a consultant. The Speech Therapist is providing sixty minutes a week of direct therapy and thirty minutes a week of consultation.
4. Per request of the Director, the Speech Therapist informed the Complainant that any speech therapy sessions missed in October due to hearing tests or conflicting case conferences would be rescheduled and made up. On November 14, 2003, the Speech Therapist and the Complainant signed a make-up schedule for sessions missed and the Speech Therapist forwarded the schedule to the Director via e-mail.

5. During the month of October, the Student received a total of ninety minutes of speech therapy instead of the required 360 minutes. Documentation indicates that the student received 90 minutes of speech therapy the week of November 3, 2003, and 70 minutes the week of November 10 (no November 12 session due to a therapy conference).
6. The Complainants state that the School failed to submit the nine-week progress reports. As stated in the IEP, every nine weeks the goals will be assessed and reported by the special education teacher. The first nine-week reporting period for the school corporation ended on October 9, 2003. The student had attended his kindergarten class on September 17, 18, 24, and 25, and attended speech therapy sessions on September 17, 19, 24, 26, and 29. The School indicates that personnel providing special education and related services to the student did not have enough information to provide an appropriate grade card. Documentation shows that the School began keeping attendance records and therapy notes on October 1, 2003.

CONCLUSIONS:

1. Findings of Fact #2 through #6 indicate that the School failed to provide ninety minutes of speech therapy each week for the month of October, and the week of November 10, 2003; and, they failed to provide progress reports for the first grading period. Therefore, a violation of 511 IAC 7-27-7(a) is found. However, the School did take their own corrective action by submitting to the Division a make up schedule for speech therapy sessions missed, and signed by the Complainant and Speech Therapist.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

1. Submit to the Division by January 5, 2004, an assurance statement that progress reports will be provided as required by the IEP.

****NOTE:** During the course of writing this reconsideration, the Division realized that an appeal of hearing #1360.03 was filed by the complainant the same day this complaint was filed with the Division. Procedurally, this complaint should not have been investigated, but should have been subsumed into the hearing process for resolution.